

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

JUL 5 2006

DAVID J. MALAND, CLERK

BY
DEPUTY

Case No. 4:97cr83
(Judge Schell)

UNITED STATES OF AMERICA

vs.

DWAYNE NELSON

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§

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the above-referenced criminal action, this Court having heretofore referred the request for the revocation of Defendant's supervised release to the United States Magistrate Judge for proper consideration. Having received the report of the United States Magistrate Judge pursuant to its order, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the Court. It is, therefore,

ORDERED that the Magistrate Judge's Report is **ADOPTED** as the opinion of the Court. It is further

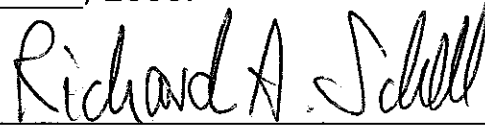
ORDERED that Defendant's supervised release is hereby **REVOKED**. It is further

ORDERED that Defendant is sentenced to a term of imprisonment of twelve (12) months, to be served concurrently with any other term of imprisonment, with no supervised release to follow. It is finally

ORDERED that Defendant pay restitution in the amount of \$40.00 to Sherman Gun & Pawn, due immediately, payable by cashier's check or money order, to the United States District Court and forwarded to the United States District Clerk's Office,

P.O. Box 570, Tyler, Texas 75710.

SIGNED this 5th day of July, 2006.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive style with a horizontal line underneath the name.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE